

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	CRIMINAL NO.: 2:22-CR-122
)	
)	
)	
PIERRE DE ROMEO SMITH,)	
)	
Defendant.)	

**DEFENDANT’S POSITION WITH REGARD TO THE GOVERNMENT’S
MOTIONS FILED ON MARCH 13, 2023**

Comes now the Defendant Pierre De Romeo Smith, by and through counsel, and states his position with regard to the government’s motions filed on March 13, 2023.

**THE DEFENDANT OBJECTS TO THE GOVERNMENT’S MOTION IN LIMINIE
TO ADMIT BUSINESS RECORDS**

The good cause for the Defendant’s objection to the Government’s motion is that the Defendant requires the records custodian to be present in Court in order to authenticate either an original or true copy of a business record offered against him at trial.

**THE DEFENDANT OBJECTS TO THE GOVERNMENT’S MOTION IN LIMINIE
FOR ADMISSION OF PRIOR STATEMENTS OF AN UNAVAILABLE
DECLARANT PURSUANT TO FRE 804**

The good cause for the Defendant’s objection to the Government’s motion is that the Government has not made a showing that it expects the declarant to be unavailable for the

purpose of admitting her prior statements. The Government has previously represented to Defense counsel that it expects the declarant to testify without issue.

**THE DEFENDANT OBJECTS TO THE GOVERNMENT'S MOTION FOR CHILD
WITNESS ACCOMODATIONS UNDER 18 USC 3509**

The good cause for the Defendant's objection to the Government's motion is that the physical absence of the child witness in the Courtroom is violative of his right to effectively confront his accuser, and that the veracity of her statements should be tested in the Courtroom before a jury of the Defendant's peers. Furthermore, the Defendant denies any threats to the child witness during the pendency of this matter.

PIERRE DE ROMEO SMITH

BY: /s/
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CERTIFICATE OF SERVICE

I certify that on this 29th day of March, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification (NEF) to the following filing users:

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